

REPUBLIC OF KENYA



COUNTY ASSEMBLY OF TRANS NZOIA

REPORT OF THE PLANNING, TRADE, TOURISM AND COOPERATIVES COMMITTEE ON THE VETTING AND APPROVAL OF TRAN NZOIA COUNTY LAND MANAGEMENT BOARD NOMINEES

INTRODUCTION:-

This is the report of the Planning, Trade, Tourism and Cooperatives Committee on the vetting and approval of the Tran Nzoia County Land Management Board nominees.

The committee held it's sitting on **15th January 2015** at the County Assembly Chamber to interview the Trans Nzoia County Land Management Board nominees. It then retreated for the writing of its report in Busia on the **13th to 16th the February 2015**.

The members of the committee are:-

1. HON. ANDREW KUTITILA.....CHAIRPERSON
2. HON. TERESA MASIBO.....VICE-CHAIRPERSON
3. HON. DAVID KABOLOMAN.....MEMBER
4. HON. ANGELINE TOO..... MEMBER
5. HON. EDWARD KITUR..... MEMBER
6. HON. FRANCIS WERE..... MEMBER
7. HON. GEORGE MASIKA..... MEMBER
8. HON. JOEL MILIMO..... MEMBER
9. HON. MATHEWS NYARANGO..... MEMBER
10. HON. PATRICK KISIERO..... MEMBER
11. HON. SAMUEL YATOR..... MEMBER
12. HON. SIMON MAKHANU..... MEMBER
13. HON. STEPHEN KURU..... MEMBER

14. HON. VICTOR OSIAKO.....	MEMBER
15. HON. HILLARY KEMEI.....	MEMBER
16. HON. ALFRED WESWA.....	MEMBER
17. HON. DAVID KISAKA.....	MEMBER
18. HON. NAOMI OKUL.....	MEMBER
19. HON. FAARID MOHSEN.....	MEMBER
20. HON. JAPHETH WAMB2ALABA.....	MEMBER
21. HON. BETTY C. KIPSONGOK.....	MEMBER

The following members attended the meeting;-

1. HON. ANDREW KUTITILA.....	CHAIR PERSON
2. HON. TERESA MASIBO.....	VICE-CHAIRPERSON
3. HON. DAVID KABOLOMAN.....	MEMBER
4. HON. ANGELINE TOO.....	MEMBER
5. HON. FRANCIS WERE.....	MEMBER
6. HON. GEORGE MASIKA.....	MEMBER
7. HON. JOEL MILIMO.....	MEMBER
8. HON. MATHEWS NYARANGO.....	MEMBER
9. HON. VICTOR OSIAKO.....	MEMBER
10. HON. ALFRED WESWA.....	MEMBER
11. HON. DAVID KISAKA.....	MEMBER
12. HON. JAPHETH WAMBALABA.....	MEMBER
13. HON. BETTY C. KIPSONGOK.....	MEMBER
14. HON. JOEL MILIMO.....	MEMBER
15. HON. EDWARD KITUR.....	MEMBER
16. HON. STEPHEN KURU NJOROGE.....	MEMBER
17. HON. SIMON MAKHANU.....	MEMBER
18. HON. SAMUEL YATOR.....	MEMBER
19. HON. FAARID MOHSEN.....	MEMBER
20. HON. BERNADINE A. OMONDI.....	CO-OPTED MEMBER

The following were also in attendance:-

1. AINEA O. INDAKWA.....	CLERK TO THE COUNTY ASSEMBLY
2. JOAN NG'ETICH.....	PUBLIC RELATIONS OFFICER
3. LUCY KIBONEI	LEGAL COUNSEL
4. MATHEW WANYAMA.....	SERGEANT AT ARMS

5. SAMMY OKEMA.....PROGRAM OFFICER

THE SECRETARIAT

1. ABRAHAM WALUBENGO.....HANSARD
2. KATAMA E. NGEYWA.....PRINCIPAL LEGAL COUNSEL
3. MOSES WANYONYI.....COMMITTEE CLERK Ag

THE MANDATE OF THE COMMITTEE

The Planning, Trade, Tourism and Cooperatives Committee is one of the Sectoral Committees contemplated under **Standing Order 191** and is provided for under the **Second Schedule** to the **Standing Orders** of the County Assembly. This Committee is mandated to deal with, among other issues, matters related to land and planning. **Section 18** of the **National Land Commission Act** provides for the establishment and composition of County Land Management Boards. **Section 18 (6)** then provides that:-

“The appointment of the Members shall be approved by the County Assembly and shall take into account the national values referred to in Article 10 and Article 232 of the Constitution and shall reflect gender equity and ethnic diversity within the county”

In its deliberations, therefore, on the vetting and approval of the nominees the Committee was accordingly guided by these legal provisions.

LIST OF NOMINEES:-

The persons nominated and who appeared for interview before the Committee were:-

1. MR. TOM WEKESA MUSUNGU
2. MR. ROBERT KIPCHUMBA TIGOGO
3. M/S LINDA NABALAYO NJANI
4. MR. JAPHETH MANALI WEKESA
5. MR. MICHAEL KITIYO
6. MR. SHABAN E.M WERUNGA
7. M/S CHEPCHUMBA BUTTIA EDNA

1. MR. TOM WEKESA MUSUNGU

The nominee is a male Kenyan citizen, married and from Iteso ethnic community. He was born in 1970.

Academic Qualifications;-

The nominee has the following qualifications;

He is currently a Master of Business Administration, MBA, student at Kenya Methodist University. He has a Bachelor of Arts (**2nd Class Honours, Upper Division**) degree from the University of Nairobi. He also possesses training in Performance Management, Essentials in Selling Skills, Effective Debt collection and Credit Control and has a Practitioners Diploma in Sales and Marketing (MSK).

Work experience;

The nominee has the following work experience;-

He first worked with the Nation Media Group Limited between **November 2004 to June 2014**, where he was in-charge of 6 distributors. One Area Business Partner and 7 Distributions. Between **July 2008 to February 2011** he was a regional team leader based in western Kenya. Between **April 2007 to July 2008** he was an Area Business Partner based in Nairobi, and between September 2004 to March 2007 he was a Retail sales representative in South Rift and Eastern Kenya and between December 2001 to August 2003 he was he worked for Rift-Valley Bottlers Ltd.

2. MR. ROBERT KIPCHUMBA TIGOGO

The nominee is a Kenyan male, married and from Markwet community. He was born in 1973.

Academic Qualifications;

The nominee has the following academic and professional qualifications

He holds a Bachelor of laws *LL B* (special) from Shivaji University in India and a Post graduate Diploma in Law from the Kenya School of Law. He also has knowledge in computer applications.

Work experience;

The nominee has worked for Tigogo & Co. Advocates as a Legal Practitioner since **2003 to date**. He undertook his Pupilage and held over pending his admission as an advocate at M/S P.N Kiarie & Co. Advocates in Kitale.

3. MS. LINDAH NABALAYO NJANI

The nominee is a Kenyan female citizen, single and from Bukusu community. She was born in 1987 in Cherangany Trans Nzoia County.

Academic Qualifications;

The nominee holds a Bachelor of Arts Degree in Urban and Regional Planning from the University of Nairobi. She also has a Certificate in Computer Studies.

Work experience;

The nominee has worked as a Project Assistant and as an Administrative Assistant with the Architectural Association of Kenya (AAK) since January 2013 to date. Previously She worked as a Planning Assistant with **Kenmt** Bill Engineers and Planners Limited from **June** to **December 2012**. Ms Nabalayo was also a Research Assistant at the Municipal Council of Ruiru. She is a registered member of the Architectural Association of Kenya **Reg. No. 3072** and a registered member of Kenya Institute of Planners **Reg. No. 0364G**.

4. MR. JAPHETH MANALI WEKESA

The nominee is a Kenyan male citizen, married and from the Luhya community. He was born in 1945.

Academic Qualifications;

The nominee has a Bachelor of Arts Degree in Economics and History from the University of Nairobi. He also holds a Post-Graduate Diploma in Integrated Rural and Regional Development Planning from Rehovot College in Israel and a Certificate in Public Finance from Connecticut College in USA.

Work experience;

The nominee worked as an Assistant Secretary in the Ministry of Agriculture between 1971 to **1974**. He then worked as a District Development Officer (Office of the President) from **1975 to 1984**. He then became a Senior assistant Secretary in the Ministry of Finance between **1985 to 1999**. He was then the Chief Finance Officer in the Ministry of Education Science and Technology from **September 1999 to August 2002** and a Member of Task Force on Public Schools Audit from **May 2002 to December 2003**.

5. MR. MICHAEL KITIYO

The nominee is a Kenyan male, married and from Sabao community. He was born in 1949.

Academic Qualifications;

The nominee has the following qualifications;

He has Masters Degree in Business Administration, a Post-Graduate Diploma in International Relations, a Bachelor of Arts Degree in International Relations, a Diploma in International Relations and Diplomacy, a Certificate in Computer and a Certificate in City and Guides of London

Work experience;

The nominee served as the Chairman for Trans Nzoia District Chamber of Commerce from **1984 to 2002**. He was a member of the Estate Agents Board from **1998 to 2001**, a member of Taskforce for National Desertification Fund in **1977**, Chairman Kitale Elgon Cooperative Union from 1984 to 1997, Chairman taskforce for the Reforms and Rejuvenation Committee from 2010 to 2011 and a 1st Vice National Chairman of the Kenya National Chamber of Commerce and Industry.

PETITIONS

Upon publication of Notices in the Dailies notifying the public of the vetting and approval of the nominees and inviting Members of the Public to submit Memoranda, Petitions and other such information to the committee on the suitability of the nominees, petitions were

received from certain members of the public challenging the suitability of **Mr Michael Chemonges Kitiyo** to hold office as a member of the County Land Management Board.

During his interview the petitioners were allowed in to table their accusations against him. The petitioners were:

- a) **SETH OMAMO**
- b) **OBOTE TENDET**
- c) **FRANCIS CHEMWOR PSOMKEN**
- d) **MOSES KOECH**
- e) **SAMMY NYAPERA**

The petitioners came along with the following evidence;

- i) A letter from **Francis Chemwor Psomken** witnessed by Patrick Okile (Advocate and Commissioner for Oaths) dated **18th December, 2014**
- ii) Affidavit of **Margaret Cherop Mungo** witnessed by Patrick Okile (Advocate and Commissioner for Oaths) dated **6th January 2015**.
- iii) Affidavit of **Seth Omamo**, witnessed by Patrick Okile (Advocate and Commissioner for Oaths) dated **6th January 2015**.

The Committee in invoking its powers to summon witnesses under **Article 195** of the **Constitution of Kenya** did summon the petitioners to appear before it for purposes of giving oral evidence in support of their allegations against the nominee. They accordingly presented themselves and gave their testimonies on oath.

6. MR. SHABAN E.M WERUNGA

The nominee is a Kenyan male citizen, married and from Bukusu community. He was born in 1958.

Academic Qualifications;

The nominee is a PhD student at Masinde Muliro University of Science and Technology, undertaking a doctoral degree in Peace and Conflict Management. He has a Master of Arts degree in Rural Economics and Cooperatives from Agra University in India, a Post-Graduate Diploma in Business Administration from India Institute of Management and a Bachelor of Arts in Agriculture, Marketing, Economics, Community Development and Extension

Education from Agra University (India). He also holds a Diploma in Education from Kagumo Teachers Training College.

Work experience;

The nominee is currently working as a part time Lecturer at Kibabii University College, Masinde Muliro University and Narok University College. He also worked as a Prisons officer, Chief Officer and a Games Officer 1 in the Ministry of Home Affairs between 1991 to 2008. He was a teacher at Munyu Secondary School between 1984 to 1986 and Insurance Clerk at Phoenix of East Africa Assurance Company Ltd.

7. M/S CHEPCHUMBA BUTTIA EDNAH

The nominee is a Kenyan female citizen, single and from Nandi community. She was born in 1984.

Academic Qualifications;

The nominee has a Higher Diploma in Human Resource Management from the Institute of Human Resource Management and a Bachelors Degree in Human Resource Management from Makerere University.

Work experience;

She is currently a Human Resource Management Assistant 1 at the Narok County Public Service Board since October 2013. She was a Customer Adviser at Barclays Bank of Kenya Limited from October **2009** to June **2010**.

FINDING AND RECOMMENDATIONS:-

1. MR. TOM WEKESA MUSUNGU

The Committed noted that the nominee was born and grew up in Trans Nzoia County. That he hails from the minority Iteso Community. His appointment will Satisfisfy the requirements of the Constitution and the National Land Commission Act.

MR. TOM WEKESA MUSUNGU was accordingly unanimously **approved**.

2. **MR. ROBERT KIPCHUMBA TIGOGO**

The Committee was of the view that the nominee's presence on the board as an advocate was very important in view of the complex nature of the land laws. He has practiced law for ten years and has vast experience in this regard. Moreover, Mr Tigogo is from the minority Markwet community. His appointment will equally satisfy the requirements of the Constitution and the National Land Commission Act.

MR. ROBERT KIPCHUMBA TIGOGO was accordingly unanimously **approved**.

3. **MS. LINDAH NABALAYO NJANI**

Section 18 of the **National Land Commission Act** provides that **one member of the County Land Management Board** shall be *a physical planner or a surveyor who shall be nominated by the County Executive Member and appointed by the Governor*.

The Committee noted that this nominee was only person with knowledge in Physical Planning among the seven nominees. She is also a youth and her appointment will help attain the gender balance requirement.

MS. LINDAH NABALAYO NJANI was accordingly unanimously **approved**.

4. **MR. JAPHETH MANALI WEKESA**

The Committee noted that the nominee had a rich professional and work experience background. He appeared well aware of the task ahead of him as a member of the Board.

MR. JAPHETH MANALI WEKESA was accordingly unanimously **approved**.

5. **MR. MICHAEL KITIYO**

The Committee failed to reach consensus over the suitability of this nominee with a majority of the Members being of the view that the nominee failed the integrity test. The majority of the members felt that the nominee was so much involved in land related dealings and conflicts right from the clan and/or family level and would not be an impartial office holder if appointed to the board. Although he was given a chance to defend himself, he avoided answering questions on various questions.

Accordingly by an overwhelming majority of the Members of the Committee present the approval of **MR. MICHAEL KITIYO** was **rejected**.

6. MR. SHABAN E.M WERUNGA

The committee noted that the nominee was well aware of the work of the board. He has a sound academic background.

MR. SHABAN E.M WERUNGA was accordingly unanimously **approved**.

7. MS CHEPCHUMBA BUTTIA EDNAH

The Committee noted that the nominee's training and knowledge in Human resource Management would be advantageous to the operations of the board in terms of dealing with people and conflict resolution. Her appointment shall also resolve the gender requirement rule.

MS CHEPCHUMBA BUTTIA EDNAH was accordingly unanimously **approved**.

DATED AT KITALE THIS _____ DAY OF _____ JANUARY 2015

1. HON. ANDREW KUTITILA.....
2. HON. TERESA MASIBO.....
3. HON. DAVID KABOLOMAN.....
4. HON. ANGELINE TOO.....
5. HON. FRANCIS WERE.....
6. HON. GEORGE MASIKA.....
7. HON. JOEL MILIMO.....
8. HON. MATHEWS NYARANGO.....
9. HON. VICTOR OSIAKO.....
10. HON. ALFRED WESWA.....
11. HON. DAVID KISAKA.....
12. HON. JAPHETH WAMBALABA.....
13. HON. BETTY C. KIPSONGOK.....
14. HON. JOEL MILIMO.....
15. HON. EDWARD KITUR.....
16. HON. STEPHEN KURU NJOROGE.....
17. HON. SIMON MAKHANU.....
18. HON. SAMUEL YATOR.....
19. HON. FAARID MOHSEN.....